

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:08-cr-00108-MR**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

EDWARD SYLVESTER GILLILAND, JR.,

Defendant.

ORDER

THIS MATTER is before the Court upon the Defendant's letter, which the Court construes as a Motion for Early Termination of Supervised Release [Doc. 35].

On December 30, 2008, the Defendant pled guilty pursuant to a written plea agreement to one count of possession with the intent to distribute cocaine base, in violation of 21 U.S.C. § 841. [Doc. 12]. He was sentenced on July 2, 2009, to a term of 121 months' imprisonment, to be followed by five years of supervised release. [Doc. 23]. On July 1, 2013, the Court reduced the Defendant's sentence to a term of 120 months' imprisonment pursuant to 18 U.S.C. § 3582(c)(2). [Doc. 32]. His term of supervised release remained the same. [Id.].

The Defendant commenced his term of supervised release on June 9, 2017. The Defendant now moves for the early termination of his term of supervised release.

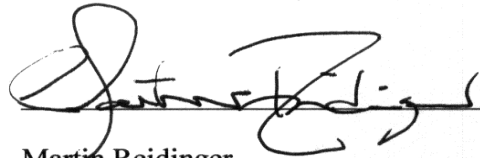
In order to terminate a defendant's term of supervised release, the Court must be "satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). Generally, the Court will consider terminating a term of supervised release where the defendant has exhibited exemplary behavior and has served at least two-thirds of the imposed term. Here, the Defendant has completed only two years of his five-year term of supervised release. While the Defendant has generally done well on supervision, he has had two positive drug screens during that time. For these reasons, the Court is not satisfied that termination is warranted under the circumstances at this time. Accordingly, in the exercise of its discretion, the Court declines to terminate the Defendant's term of supervised release.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's letter, which the Court construes as a Motion for Early Termination of Supervised Release [Doc. 35] is **DENIED**. The Defendant's term of supervised release shall continue as originally sentenced.

The Clerk is directed to serve a copy of this Order on the Defendant, counsel for the Government, and the United States Probation Office.

IT IS SO ORDERED.

Signed: September 3, 2019


Martin Reidinger
United States District Judge

